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Report of the Law Enforcement Involved Fatal Incident/Officer-Involved Shooting of Miles Hall by
Walnut Creek Police Department, on June 2, 2019

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Privacy Statement

This report includes redactions of the names and other identifying information of witnesses, neighbors, and Mr. Hall's family members. Specific addresses are also not provided in this report. The public interest in such information is limited as it is not necessary to gain an understanding of the incident. Thus, the interest in nondisclosure clearly outweighs any public interest in disclosure.

For reasons related to privacy, as well as the readability of this report, the witnesses and key location will be indexed as follows:

- Witness 1 (W-1), the grandmother of Hall
- Witness 2 (W-2), the mother of Hall
- Witness 3 (W-3), Hall's neighbor
- Location #1, Hall's residence and the location of the initial calls for service

EXECUTIVE SUMMARY

On June 2, 2019, at approximately 4:40 pm¹, Walnut Creek Police Department (WCPD) Dispatch Center began receiving calls about a person, later identified as Mr. Miles Hall, at Location #1 on Sandra Court, Walnut Creek. According to the callers, Hall was behaving in an odd and threatening manner, was wearing a red bandana or shirt on his head, and was carrying a long black digging pry tool.

At the time of the incident, Hall lived at Location #1 with his grandmother (W-1), mother (W-2), father, and sister. According to information received from W-2 and medical records obtained from Kaiser Hospital, Hall suffered from schizoaffective disorder-bipolar type. Hall's disorder manifested itself in, "paranoia, disorganization, and threats to community members²."

Due to his diagnosis, Hall's mother had taken the initiative to notify their neighbors, via email, about his mental health issues. She reportedly told her neighbors, "he was harmless," and to call her if there were any concerns.

WCPD records indicate Hall was a client of the Mental Health Evaluation Team (MHET) and WCPD personnel had responded to at least eight separate incidents, criminal and non-criminal, in regard to his behavior. Most notably, in an August of 2018 incident, W-2 called and requested assistance from WCPD because Hall stated he wanted to go swimming and was going to kill someone. Hall was armed with a pocketknife during this incident. WCPD officers located Hall near Orchard Lane and Sandra Court. They ordered Hall to lay on the ground, but he refused to comply with their orders. The officers deployed the less-lethal bean bag shotgun³, firing several rounds at Hall. He fell to the ground after being struck by the bean bag rounds and was taken into custody without further incident. The officers determined Hall was a danger to himself and others and took him into custody for a mental health evaluation pursuant to Welfare and Institutions Code Section 5150⁴.

On the date in question, W-1 and W-2 called WCPD to request assistance because of Hall's behavior. W-1 called at 4:40 pm to report that Hall was having a mental health breakdown and was threatening her. In the background of the call, Hall can be heard cursing at W-1, directing her to put on a red shirt, and in a threatening tone saying, "Yo, I said not to call the mother fucking police (unintelligible) too⁵."

¹ All times and distances listed in this report are approximations.

² This information was obtained by search warrant from Hall's medical records.

³ The bean-bag shotgun fires a less-lethal kinetic injury projectile (piece of fabric filled with lead shot) commonly referred to as a "bean bag round." This tool is an intermediate level of force designed to generate blunt force trauma and achieve pain compliance.

⁴ W&I 5150 authorizes a peace officer to take a person into custody for a mental health evaluation if they represent a "danger to others, or to himself or herself, or gravely disabled" (California Welfare and Institutions Code, 5150).

⁵ Information obtained from the certified transcript of the call.

W-2 called WCPD at 4:47 pm and reported that Hall had been violent, had broken the sliding glass window, and was threatening them with a long metal pole. She also indicated he had mental health issues, he would likely be aggressive towards the police, and that he was not currently taking his medication.

In addition, between 4:40 pm and 5:05 pm WCPD received three separate additional calls about Hall from residents in the area of Sandra Court. One of whom thought they might have heard a gunshot come from Location #1 on Sandra Court.

Sergeant Connors along with Officers Hsiao, Murphy, Smith, and Keagy responded to this incident. Sergeant Connors held an in-field briefing with the officers in the area of Lancaster Road and Orchard Lane. During the briefing, officers were assigned tactical roles, assigned tools, and given instructions regarding the use of force. Officer Smith was tasked with the bean bag shotgun (less-lethal force option), Officer Murphy was assigned the role of Taser (less-lethal force option), Officer Hsiao was assigned the shield, and Sergeant Connors assigned herself the role of lethal force option (patrol rifle). Although, Officer Keagy did not attend the in-field briefing, her role was discussed during the briefing. As a former MHET officer, she was assigned the task of negotiating with Hall. Sergeant Connors relayed the following information, in part, during the briefing: "I'm not gonna give this guy a lot of chances...because he's got a weapon, he's going to the neighbor's homes, he's lost his mind. Just letting you know, the line in the sand for me is very close to him, so any forward motion, any aggressive movement, we're going to start here...drop it, we're going to let her try to talk, if he advances after the talking...I want you to give commands like, drop it, drop it, drop it whatever...and then Taser, if that's appropriate otherwise we'll just, just watch your backdrop." There was further discussion amongst the officers and ultimately, Officers Murphy and Hsiao were designated as the arrest team.

Sergeant Connors and Officers Smith, Murphy, and Hsiao all entered one police vehicle and drove to the area of Orchard Lane and Sandra Court. They parked the vehicle on Orchard Lane near Arlene Lane. After exiting the vehicle, they noticed Hall at the south end of Arlene Lane talking to a resident (W-3) and his 15-year-old daughter. Hall was in possession of the long black digging pry tool. Fearing for the safety of the residents, Officer Smith called out to Hall as he and Officer Murphy jogged through the pedestrian access that connects Orchard Lane with Arlene Lane. Sergeant Connors and Officer Hsiao followed behind them. Officer Keagy arrived on the scene as the officers were simultaneously entering the cul-de-sac onto Arlene Lane.

Officer Smith (armed with bean bag shotgun) and Officer Murphy (drawn handgun) walked down the center of Arlene Lane calling out to Hall. Hall responded to their commands by running northbound on Arlene Lane in the general direction of the officers. As he ran towards the officers, he did so in a zigzag like pattern from one side of the street to the other, while still carrying the black steel digging tool. According to the available evidence, Hall appeared to be carrying the black steel digging tool at waist level.

As he closed the distance with the officers, Officer Murphy and Officer Hsiao repeatedly yelled for Hall to stop. He continued running in the general direction of the officers and Officer Smith fired a total of six bean bag rounds at him. The impact of the bean bag rounds did not appear to have an effect on Hall and he continued running towards the officers, though not at any officer in particular. Officer Murphy fired two rounds from her handgun striking Hall twice and Officer Hsiao fired four rounds from his handgun also striking him twice.

Hall fell to the ground, dropping the long black steel digging tool as he did so. He attempted to get up, but the officers held him down and rendered emergency medical aid.

At 5:18 pm, the Contra Costa County District Attorney's Office (CCCDAO) was notified of the incident. The CCCDAO sent Deputy District Attorney Barry Grove along with a group of five senior inspectors to investigate the incident.

Hall was transported to John Muir Medical Center where attempts to save his life were unsuccessful. Hall succumbed to his injuries and was pronounced dead at 5:29 pm by Dr. Rafael Diaz.

No officers, residents, or family members were physically injured during this incident.

On June 3, 2019, the Contra Costa County Sheriff's Coroner's Office conducted an autopsy on Hall's remains. The forensic pathologist determined the cause of death to be multiple gunshot wounds.

The Contra Costa County Sheriff's Office Coroner's Inquest was held on Thursday, December 5, 2019. The jury returned a verdict of death caused at the hand of another person other than by accident.

INTRODUCTION

This report is the final step in the CCCDAO investigation of the WCPD fatal officer-involved shooting of Miles Hall on June 2, 2019, in Walnut Creek, CA.

The CCCDAO and every law enforcement agency in Contra Costa County follow the Law Enforcement Involved Fatal Incident Protocol (“the Protocol”)⁶ to investigate incidents when officers or civilians are shot, killed, or die during an encounter with law enforcement. Under the Protocol, the CCCDAO investigates all officer-involved shootings in Contra Costa County for the purpose of making an independent determination of criminal liability. The sole purpose of the District Attorney Investigation is to determine if there is proof beyond a reasonable doubt that an individual involved in the law enforcement involved fatality committed a crime.

Pursuant to the Protocol, immediately after a fatal officer-involved shooting, the involved law enforcement agency is required to notify the appropriate district attorney personnel. Once notified, trained and experienced members of the District Attorney’s Office respond to the scene and begin the criminal investigation. In addition, criminal investigators from the law enforcement agency involved in the incident and from the jurisdiction where the incident occurred, if different, respond to the scene as well. It is important to note that although these investigations happen simultaneously, each agency conducts its own independent investigation.

As part of the criminal investigation, law enforcement officers and civilians who witnessed the incident may be interviewed, evidence is collected at the scene and may be submitted to the county crime lab for testing and analysis, in addition to any other relevant investigative work necessary to complete the investigation. The Contra Costa County Sheriff’s Crime Lab responds to every incident and is responsible for evidence collection of all shooting incidents.

During the course of the criminal investigation, an officer or deputy has the right to be represented by an attorney. They may voluntarily choose to provide a statement, physical evidence, or other relevant information during the criminal and administrative investigations. Under the law, neither an officer nor civilian can be compelled to give a statement as part of a criminal investigation. However, an officer may be compelled to provide a statement during the law enforcement agency administrative investigation only. (See, Public Safety Officers Procedural Bill of Rights Act, Government Code Sections 3300 et seq.) In accordance with the law, the CCCDAO does not participate in compelled administrative investigation interviews and does not review them as part of the independent criminal investigation. There are very narrow circumstances where an exception to this rule is allowed.

⁶ Contra Costa County was one of the first counties in the country to adopt a fatal incident protocol between the District Attorney and the law enforcement agencies within the county. The complete LEIFI Protocol document can be located on the Contra Costa County District Attorney’s Office website.

Independent of the CCCDAO and in accordance with the Protocol, the Coroner's Division of the Contra Costa County Sheriff's Office (CCCSO) conducts a Coroner's Inquest following most deaths that involve law enforcement personnel or law enforcement operations or activities within Contra Costa County.

The Coroner's Inquest is open to the public, conducted by a hearing officer (a private attorney hired by the Coroner's Division), and is held in front of a jury of citizens randomly selected from the Contra Costa County Superior Court jury pool. During the Inquest, the hearing officer questions witnesses and additional evidence may be presented. After hearing all of the evidence, the role of the jury is to decide whether the death was by (1) natural causes, (2) suicide, (3) accident, or (4) at the hands of another person other than by accident (i.e., homicide). The jury's decision has no legal bearing on the civil or criminal investigations or liability of any person(s) involved in the Incident.

*Note- This report contains information, photos, and descriptions of an officer-involved shooting that resulted in the death of a person. The information contained herein is sensitive and the reader of this report may find some of this information to be objectionable.

INVESTIGATION

Overview

On June 2, 2019, at approximately 5:18 pm, Paul Mulligan, CCCDAO Chief of Inspectors, received a call from WCPD Captain Jay Hill stating that an officer-involved shooting had occurred in the city of Walnut Creek. Chief Mulligan made the decision to have Deputy District Attorney (DDA) Barry Grove and five District Attorney Senior Inspectors respond to the scene to conduct the criminal investigation on behalf of the CCCDAO.

When the CCCDAO investigative team arrived at Arlene Lane, the crime scene was being physically guarded by WCPD personnel and the entire surrounding area was being marked off with crime scene tape to aid in the preservation of any physical evidence. Our team also observed the location of key items of evidence, paying particular attention to the areas where the shooting had taken place. After CCCDAO investigators reviewed the shooting scene, the CCCSO Forensics Division (Crime Lab) was notified and arrived on scene to document their findings and collect evidence.

After walking through the crime scene and reviewing the associated evidence, the CCCDAO investigative team joined the WCPD Detectives at the Walnut Creek Police Department. A joint briefing with both agencies was held to give an overview of the incident to ensure everyone with an active role in the investigation had the same information before any further steps were taken in the investigation.

After the briefing, DDA Grove assigned each of the five CCCDAO senior inspectors different investigative tasks. The investigative assignments were as follows:

- Senior Inspector Darryl Holcombe – Interview the WCPD officers who used force and/or fired their weapons (the actors) at Hall
- Senior Inspector Dave Mathers – Interview neighbors and witnesses
- Senior Inspector Sean Eriksen – Interview Sergeant Connors and Officer Keagy
- Senior Inspector Kevin Coelho – Interview fire and medical personnel
- Senior Inspector Mike Morley – Notify Hall's next of kin

Consistent with the Protocol, each senior inspector was accompanied by a WCPD detective when performing the assigned investigative tasks.

As the investigation progressed, assigned senior inspectors reported the results of their activity to DDA Grove and the leadership team from WCPD.

Every WCPD officer involved in the incident was interviewed separately and was represented by an attorney after having been sequestered⁷.

Prior to interviewing the officers who used force and/or fired their weapons at Hall, DDA Grove, Senior Inspectors Holcombe, Coelho, Mathers, Morley, and Eriksen, and other WCPD detectives reviewed the body-worn camera footage of this incident. The involved officers who used force against Hall did not view the footage from their body-worn cameras prior to being interviewed.

Once the scene was processed and all the interviews were completed, the next steps in the investigation were to await the formal autopsy results, the completion of the crime lab testing, and the Coroner's Inquest hearing.

Overall, the CCCDAO investigation of the WCPD shooting death of Hall was comprehensive, thorough, objective, and independent. In all, five police officers, five firefighters/emergency medical personnel, and 13 civilian witnesses were interviewed; along with two crime scenes being processed for evidence (Location #1 and the scene at Arlene Lane). This report represents hundreds of hours of investigation conducted by the CCCDAO, WCPD, and the CCCSO Crime Lab.

Evidence Reviewed

- The crime scenes, Location #1 on Sandra Court and the 100 blk of Arlene Lane, Walnut Creek, CA
- Dispatch records and logs of the incident
- 9-1-1 audio recordings
- California Department of Justice criminal history information involving Hall
- Prior police reports involving Hall
- Body worn camera footage from the officers involved in this incident
- Interviews of all the officers categorized as actors (3), and witnesses (2)
- Interviews of all civilian witnesses associated with this incident (13)
- Interviews of the responding support personnel from CFD (3) and AMR emergency medical personnel (2)
- Autopsy of Hall, by CCC Sheriff's Coroner's Office (Report Number 2019-2663)
- CCC Forensic Services Division Report
- CCCSO Coroner's Inquest testimony and findings
- Hall's medical records obtained pursuant to a search warrant

⁷ The process where the involved officer(s) are physically separated and isolated from others immediately following a use of force incident and are ordered to not discuss the incident with anyone, except their attorney.

Crime Scene Description

There are two crime scenes associated with this incident: (1) Location #1, a residence on Sandra Court, Walnut Creek, CA; and (2) the end of a cul-de-sac on the 100 blk of Arlene Lane, Walnut Creek, CA.

The residence on Sandra Court is the location where the initial set of events took place and where Hall, his mother, grandmother, and other close family members lived. The residence is a single-story residence located at the end of a cul-de-sac on the west side of the street. The residence has a driveway leading to a detached garage which is approximately forty-five to fifty feet from the road. There is a narrow path leading to the front porch from the driveway.

The south side of the residence does not have a fence enclosing the backyard. The front yard of the home wraps around the south side of the property and leads to a backyard area that includes a basketball court and a deck. The house numbers appear in black lettering. The residence is tan with white trim and has a shingle roof.

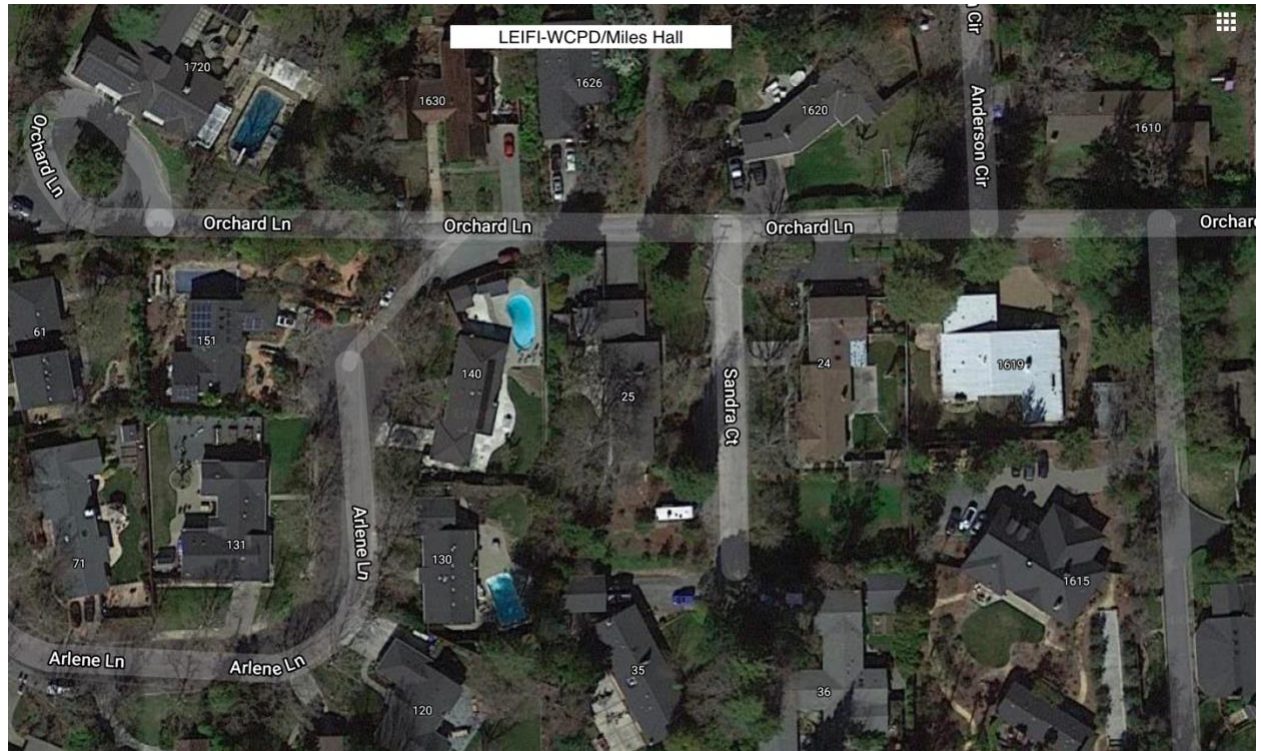
The cul-de-sac on Arlene Lane is a residential location where the shooting occurred. This block long section of Arlene Lane runs parallel to Sandra Court, which is the last road to intersect with Orchard Lane. Arlene Lane is a paved two-lane road running north and south and bends west near 110 Arlene Lane. The cul-de-sac, at its widest point, is forty-two feet wide in front of 140 Arlene Lane. It is approximately thirty-one feet from the tree positioned in front of 131 Arlene Lane to the manhole that is visible in the body worn camera footage. The shortest route to Sandra Court from Arlene Lane is on foot through the cul-de-sac on Arlene Lane. Otherwise, the driving distance between the two streets is about one mile.

The physical evidence indicates that Hall was carrying a 4' 11" black steel digging tool that weighed approximately 15 pounds (see below).

Long black steel digging tool carried by Hall



Overhead view of both crime scene locations



100 blk of Arlene Lane looking north with a circle indicating the location of the pedestrian path



Crime Scene Evidence Recovery

The evidence at the crime scene located toward the end of the cul-de-sac on Arlene Lane was processed by criminalists from the CCCSO Crime Lab. Evidence recovery, scene documentation, and photographs were completed by the lab. The north end of Arlene Lane is a cul-de-sac that connects to Orchard Lane via a dirt path. A ballistic shield and a 4' 11" black steel digging tool, weighing approximately fifteen pounds, were found in the street near the dirt path. Five fired 9mm Luger caliber cartridge cases, six expended shotgun shells, four bean bag projectiles, several shot wads, a pair of athletic pants, an apparent blood pool, medical equipment, handcuffs, and handcuff keys were found in the street between 140 and 151 Arlene Lane. A pair of athletic slippers and a knife in a sheath were found in the street between 130 and 141 Arlene Lane. Two additional bean bag projectiles were reportedly recovered by WCPD personnel on June 3, 2019. They were found near 141 and 151 Arlene Lane.

Hall's slipper and knife in sheath in the 100 blk of Arlene Lane



Miles Hall – Relevant Prior Incidents Involving WCPD

1. WCPD case 2015-42440: On November 30, 2015, at 10:20 pm, Hall's parents requested a mental health evaluation for him at Location #1 on Sandra Court. Hall was allegedly talking about Jesus and made delusional statements that he believed he was Jesus. W-2 stated Hall was agitated and aggressive towards his parents. Hall had not left the home for approximately two weeks and he had not been eating. W-2 also stated that Hall suffered from depression and anxiety. W-2 believed Hall smoked marijuana and it was contributing to his odd behavior. W-2 was fearful for the safety of her family. W-2 attempted to convince Hall to have a mental health evaluation, but he refused. WCPD officers contacted Hall and he commented that he was the Holy Spirit, and he was the child of God. Hall was taken into custody pursuant to Welfare and Institutions Code Section 5150 for being a danger to himself and others.
2. WCPD CAD Call 2018-1483: On January 31, 2018, at 6:45 pm, a subject, later identified as Hall, was banging the door of a residence on Clifton Court in Walnut Creek stating he was Jesus Christ. WCPD officers found Hall near the Kaiser ER ambulance entrance (1425 S. Main St, Walnut Creek). Officers determined Hall did not meet the criteria to take him into custody under Welfare and Institutions Code Section 5150 and he was released from the scene.
3. WCPD case 2018-24789: On July 30, 2018, at 7:36 pm, W-2 reported Hall was making threats to harm others with a knife and she had left the residence. WCPD officers contacted him at Location #1 on Sandra Court. Hall refused to walk to the roadway and started making incoherent statements regarding being the son of Christ. Hall retrieved a switchblade from his right front pocket and opened the knife to expose the blade. Hall raised the knife above his head and said, "I am not Miles, I am the son of God. I am Christ. You want to shoot me? I have a knife in my hand."

Hall asked, "Are you going to shoot me in the back?", as he ran to the backyard. WCPD personnel did not pursue Hall. The MHET officer unsuccessfully negotiated with him via text.

WCPD officers elected to leave the scene. A WCPD officer contacted W-2 and she stated Hall was acting strange, was being aggressive towards his family, was aggressively yelling at his family, and that he had repeatedly opened and closed the knife. Hall made statements that he was Jesus Christ and that if anyone talked to him he was going to cut them. Hall also stated he no longer believed W-2 was his mother, and instead believed she was an authority figure-such as the police-and he no longer trusted her.

W-2 stated that Hall repeatedly pointed the knife at her while they were standing on the front porch of the residence. She also stated she feared for her safety while Hall was pointing the knife at her. This case was presented to the CCCDAO and Hall was charged with PC 417(a)(1) and PC 148(a)(1)⁸.

4. WCPD case 2018-25537: On August 8, 2018, at 5:55 pm, a resident on Arlene Lane reported that a subject, later identified as Hall, was swimming in their pool. Before WCPD personnel arrived on scene they called W-2. W-2 stated that Hall left the house with a pocketknife, stated he wanted to go swimming, and that he was going to kill someone. WCPD officers found Hall near Orchard Lane and Sandra Court. WCPD gave Hall commands to lay on the ground, but he refused to comply with their orders. WCPD officers fired bean bag rounds at Hall, the impact of which caused him to fall to the ground. Hall was subsequently taken into custody pursuant to Welfare and Institutions Code Section 5150 for being a danger to himself and others.

Factual Summary

On June 1, 2019, at 8:36 am, W-2 left a voicemail message for Officer Keagy advising her that Hall was starting to have “another episode.” The following is a summary of the relevant portions of the message: “We had all those issues last year with Miles and his strange and bizarre behavior. But anyways, I wanted to give you a heads up. I called the Walnut Creek Police Department line. I just wanted to let you know he was starting to have another episode. Just to prepare the officers. He has been stopping people at our street and asking for proof that they belong on the street. I wanted to give you guys a heads up that this is happening again with him. I am sure you guys will figure it out. I’m sure you will get calls.”

On June 2, 2019, at 4:40 pm, the WCPD Dispatch Center began receiving calls about a person, later identified as Mr. Miles Hall, at Location #1 on Sandra Court, Walnut Creek, behaving in an odd and threatening manner.

The following information is meant to give the reader a detailed understanding of how the events unfolded. The remainder of this summary will be relayed according to a chronological timeline of when the events occurred⁹:

4:40 pm – WCPD Dispatch received a transfer call from CHP regarding Location #1, from W-1 (Hall’s grandmother), who was inside the residence with Hall. W-1 reported that Hall was “threatening her,” and “having a mental health breakdown.” In the background of the call, Hall can be heard saying, “red in this fucking house,” “take that shit off,” “I don’t fucking like that shit. Take it off.” “No, get the fuck out.”

⁸ This case was pending at the time of this incident.

⁹ The times, distance, and information provided is a summary of what occurred, for more detailed information see the CAD printouts and interviews with the referenced personnel.

These comments were made during an interaction between Hall and W-1 wherein Hall is demanding that W-1 change her clothes. At one point during the interaction, Hall says to W-1, "Yo, I said not to call the motherfucking police, (unintelligible comments)...too."

4:40 pm – WCPD Dispatch received a transfer call from CHP regarding Location #1 from a person in the neighborhood. This person reported that there was, "yelling going on over there, what sounded like what could have been a gunshot...". Later in the call, this person said that the alleged gunshot "could have been a door slamming really hard." This caller was aware that a person (presumably Hall) who resided at Location #1 had "psychiatric issues" and that there had been issues on previous occasions. They described seeing, "the individual running around with a red bandana on his forehead, and his face covered with another bandana, and a can of Budweiser in his hand."

4:41 pm – Officer Hsiao (call sign Y31) is dispatched to a "DISTURBANCE IN PROGRESS" at Location #1.

4:42 pm – Officer Smith (call sign SET6) is dispatched to a "DISTURBANCE IN PROGRESS" at Location #1. WCPD Dispatch broadcasted the following information via police radio: there were prior contacts for Hall at Location #1, he had previously been uncooperative with police, there was a minimum three-officer response to calls involving Hall, and that his mother had called in July 2018 to report that Hall had a knife.

4:42 pm – Sergeant Connors (call sign S50) dispatched herself to the call at Location #1.

4:43 pm – Officer Murphy (call sign Y41) dispatched herself to the call at Location #1.

4:45 pm – Officer Keagy (call sign X33) broadcasted over police radio that Hall was a former MHET client and might run from the police.

4:47 pm – At the request of Sergeant Connors, WCPD Dispatch called Contra Costa County Fire Protection District (CFD) and requested they stage in the area of Location #1.

4:47 pm – WCPD Dispatch received a transfer call from CHP regarding Location #1 from W-2. W-2 reported that they needed the police, and that Hall is, "being violent. He broke our sliding glass window, and he's threatening us with -- he has like this long pole, and he's -- with a metal pole, and he's threatening us with it. But we left the house, we're not here anymore." She also said, "But I'm telling you now, he's going to be aggressive to the police. He needs to be apprehended. We have to have -- he cannot be in our house. He has to go." In response to the dispatcher's inquiry as to whether Hall was on medication, W-2 said, "No, he's not. But he needs to be, and he's totally flipping out."

4:47 pm – In response to the information received from W-2, WCPD broadcasted that Hall had broken the sliding glass door and had a metal pole in his hand.

4:48 pm – Sergeant Connors asked Officer Keagy if she had a rapport with Hall. Officer Keagy advised she would call W-2 and respond to the scene.

4:49 pm – Officer Keagy broadcasted via police radio that she had spoken to W-2. According to W-2, Hall was alone at Location #1, was in possession of a long pole with a sharp edge, and was being violent.

4:51 pm – Officers Murphy and Smith arrive at the staging location on Lancaster Road and Orchard Lane.

4:52 pm – WCPD Dispatch received a transfer call from CHP regarding Location #1 from a resident in the area. The caller advised that the "...neighbor's son is unstable. He's schizophrenic." She further advised that Hall was "pounding on their door," gave the dispatcher the description of him wearing "a red bandana over his head and face," and stated "he's carrying a long pole...It's a giant crowbar."

4:52 pm – Officer Hsiao arrived at the staging location on Lancaster Road and Orchard Lane.

4:57 pm – Sergeant Connors arrived at the staging location Lancaster Road and Orchard Lane.

4:59 pm – Sergeant Connors lead an in-field briefing with Officers Smith, Murphy, and Hsiao. During the briefing, she assigned the officers roles and issued them tools commensurate with their assigned role: Officer Smith (less-lethal/bean bag shotgun), Officer Murphy (less lethal/Taser/arrest), Officer Hsiao (shield/arrest), Sergeant Connors (lethal/patrol rifle), and Officer Keagy (not present for briefing) was assigned the role of negotiating with Hall. During the briefing, Sergeant Connors directed the officers as follows: "I'm not gonna give this guy a lot of chances...because he's got a weapon, he's going to the neighbor's homes, he's lost his mind. Just letting you know, the line in the sand for me is very close to him, so any forward motion, any aggressive movement, we're going to start here...drop it, we're going to let her try to talk, if he advances after the talking...I want you to give commands like, drop it, drop it, drop it whatever...and then Taser, if that's appropriate otherwise we'll just, just watch your backdrop." During the briefing it was also determined that since Hall demonstrated he was a danger to others, and potentially himself, he would be taken into custody pursuant to Welfare and Institutions Code Section 5150.

5:04 pm – Sergeant Connors broadcasted that she could see Hall near Arlene Lane.

5:05 pm – WCPD received a 911 call from a resident whose car was being followed by Hall on Arlene Lane. The caller advised he was in the area of 120 Arlene Lane.

5:06 pm – Sergeant Connors (lethal/patrol rifle), and Officers Smith (less-lethal/bean bag shotgun), Murphy (less-lethal/Taser/arrest), and Hsiao (shield/arrest) entered an unmarked police vehicle and drove towards Arlene Lane.

5:06 pm – Officer Keagy arrived at Orchard and Arlene Lanes shortly after the other officers.

5:07 pm – Officer Smith noticed Hall talking to some residents in the 100 blk of Arlene Lane. He and Officer Murphy self-deploy and jogged/walked through the pedestrian access onto Arlene Lane towards Hall. Their self-deployment resulted in Sergeant Connors and Officer Hsiao being several seconds behind them. Officer Keagy arrived on scene as the officers were walking towards Hall on Arlene Lane.

5:08 pm – Officer Smith called out to Hall, “Miles come here!” Hall then turned his attention towards the officers and began running up the 100 blk of Arlene Lane towards the officers. The officers shouted commands for Hall to stop. However, Hall continued running in the general direction of the officers. As he ran towards the officers, he did so in a zigzag like pattern from one side of the street to the other, while still carrying the black steel digging tool. According to the available evidence, Hall appeared to be carrying the black steel digging tool at waist level. As he closed the distance with the officers, Officer Smith traversed to his right, firing a total of six bean bag rounds at Hall as he passed him. Hall continued undeterred, as it appeared the bean bag rounds had no impact on his forward motion. Almost immediately after Officer Smith fired his third round, Officer Murphy fired one round from her handgun, Officer Hsiao fired four rounds from his handgun, and Officer Murphy fired one additional round from her handgun.

Hall fell to the ground, dropping the long black digging pry tool as he did so. He attempted to stand, but the officers held him down and administered first aid.

5:18 pm – Hall was transported to John Muir Medical Center by American Medical Response (AMR).

5:20 pm – Captain Jay Hill (WCPD) notified Chief Mulligan (CCDAO) and the Contra Costa County Law Enforcement Involved Fatal Incident Protocol was invoked.

5:29 pm – Hall succumbed to his injuries and was pronounced dead by Dr. Rafael Diaz.

Body-Worn Camera and Ring Camera Footage

There is body-worn camera (BWC) and Ring camera footage that captured key portions of the incident¹⁰. The relevant footage captured Hall running down Arlene Lane in the direction of the officers carrying the black steel digging tool. The footage shows Officer Smith discharging the bean bag shotgun and striking Hall. Seconds later, the footage shows Officer's Hsiao and Murphy discharging their department issued handguns. Hall stumbled forward, dropped the black steel digging tool, and fell to the ground. Sergeant Connors and Officers Smith and Hsiao had their BWC's turned on the entire time and captured the relevant portions of the incident. Officer Murphy did not turn her camera on until after Hall had been shot.

The relevant portion of the body-worn camera (BWC) footage depicts the following information:

- 17:08:08 – Officer Smith observes Hall and broadcasts Hall is walking towards a resident with a black steel digging tool in his hand
- 17:08:08 – Officer Smith yelled out “Miles come here!”
- 17:08:14 – Officer Smith yelled “Miles!” and then tells Officer Murphy to take cover
- 17:08:18 – Officers can be heard yelling for Hall to stop and Hall is observed running in their direction
- 17:08:21 – Officer Smith fired a round from the bean bag shotgun at Hall
- 17:08:22 – Officer Smith fired a second round from the bean bag shotgun at Hall
- 17:08:23 – Officer Smith fired a third round from the bean bag shotgun at Hall. Officer Murphy fires one round from her department issued handgun.
- 17:08:24 – Officer Smith fired the fourth, fifth, and sixth rounds from his bean bag shotgun and Officer Hsiao fires four rounds from his department issued handgun
- 17:08:25 – Officer Murphy fired one round from her department issued firearm at Hall.
- 17:08:25 – Hall starts to fall forward, dropping the black steel digging tool, and lands on his right side
- 17:08:30 – Hall attempted to stand up from the ground and officers physically restrained him
- 17:08:48 – Hall is placed in handcuffs
- 17:10:00 – Officers put pressure on Hall's wounds and begin life-saving efforts
- 17:14:20 – Paramedics arrive on scene
- 17:18:35 – Hall is placed into the ambulance

¹⁰ The original BWC footage is maintained by WCPD. WCPD released footage of the incident and it is available to view from several public sources on the internet.

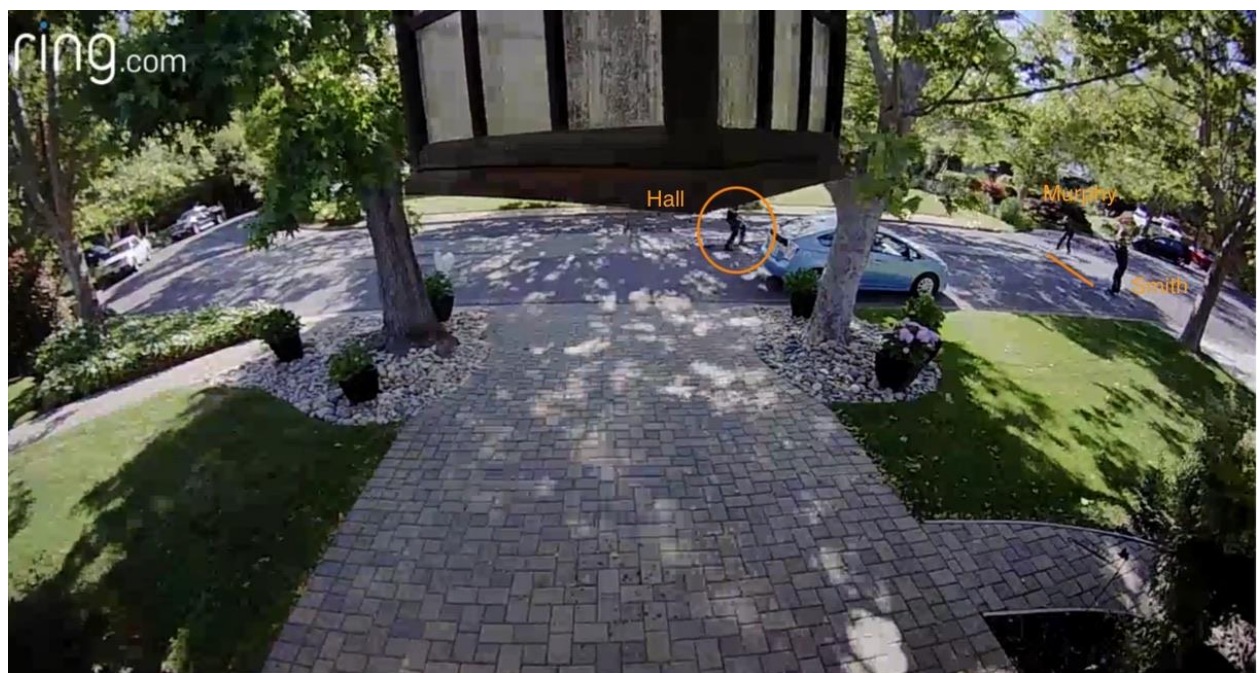
Officer Murphy's handgun is in recoil indicating she has just fired the weapon. This is the first lethal round fired at Hall (see photo below).



Ring home security camera footage from a residence along the east curblane of the 100 blk of Arlene Lane was collected as evidence. The residence had a Ring home security camera affixed to the exterior of the home. This camera (audio and video) captured the interaction between Hall and the officers looking from the east to the west curb line. This video footage provides the viewer with a broad perspective of the movements of Hall northbound in the street and of the officers as they retreated and resorted to less lethal/lethal force.

The following series of photos from the Ring camera shows the position of Hall as he zig-zagged down the street towards the officers, as well as the position of the officers as Hall closed the distance with them.







Interviews of Involved Officers

There were five law enforcement officers involved in this incident. Of that number, three used force against Hall and are considered actors¹¹. This report will detail the interviews of all the actors, or those who witnessed a key portion of this incident and can help provide a more complete picture of what occurred¹². The interviews will describe the incident from the perspective of the involved officers. There may be information, statements, or recollections of events that are inaccurate or inconsistent with the facts of this incident as they are currently understood. The information is being listed in the manner in which it was relayed to the investigators during the interviews¹³.

During the course of the criminal investigation, an officer has the right to be represented by an attorney. The officer may choose to provide a statement, physical evidence, and other relevant information. It's important to note that, neither an officer or civilian can be compelled to provide a statement or other relevant information during an internal administrative investigation by the officer's employer¹⁴. In this investigation, all the involved officers provided voluntary statements to the CCCDAO and WCPD with their attorney present. Each police officer was interviewed separately from the others within hours of the incident and after being subject to sequestration. It is important to note, that none of the involved officers viewed their body worn camera video footage prior to being interviewed.

¹¹ Actors – Law enforcement personnel whose conduct was actually or conceivably a factor in the fatality (CCC Protocol, pg.14).

¹² The original records are retained by agencies involved in this incident. Copies can be obtained by contacting them directly.

¹³ The authors of this report did not participate in the interviews of the involved officers.

¹⁴ Public Safety Officers Procedural Bill of Rights Act, Government Code sections 3300 et seq.

Sergeant Holley Connors

Sergeant Holley Connors was interviewed on June 3, 2019, at 12:15 am, by Sr. Inspector Sean Eriksen and WCPD Detective Randy Villa. Her defense attorney, Doug Foley, was present for the interview.

The following is a summary of the relevant portions of Sergeant Connors' interview:

Sergeant Connors has worked for the Walnut Creek Police Department for approximately twelve years. She is a patrol supervisor but also supervises the Peer Support Group. Sergeant Connors is also a member of the Crisis Negotiation Team and participates in regular training. Prior to working in law enforcement, Sergeant Connors obtained a bachelor's degree in Psychology and worked with mental health patients for approximately three years. During that time, she worked with patients that were severely disabled due to psychiatric illnesses.

On June 2, 2019, Sergeant Connors was working as the swing shift supervisor. At approximately 4:30 pm, she heard a call being dispatched that caught her attention. Dispatch radioed a call of a verbal argument between a male and female. Dispatch said there was an open line and a disturbance can be heard in the background. Sergeant Connors recognized the dispatched location as it was associated with Hall.

Dispatch also advised that Location #1 was flagged as a minimum three-unit response due to prior violent confrontations with Hall. Sergeant Connors was aware of prior calls for service with Hall, and on one occasion, another supervisor had to deploy a less-lethal bean bag shotgun, but the bean bag rounds were ineffective. Sergeant Connors did not have prior personal contact with Hall, but she did supervise patrol teams that made contact with Hall at his home (Location #1).

Sergeant Connors said that as she was responding to Location #1, she began to get additional information from Dispatch. Dispatch advised Hall's grandmother was the caller and she stated Hall was having "a mental health episode." The grandmother also said Hall shattered the rear sliding glass door. Dispatch then relayed that other citizens were calling the police to report that Hall was armed with a metal pole, going to other homes, and banging on the front doors. Based on the additional information, Sergeant Connors believed Hall's behavior was aggressive and escalating. Sergeant Connors requested an ambulance stage near the area.

Sergeant Connors requested Officer Keagy respond to the call hoping she could establish a rapport with Hall and possibly, "calm him down." Sergeant Connors briefly spoke to Officer Keagy while she was responding to the scene; Officer Keagy relayed that she was talking to Hall's family on the phone and they said, of Hall's behavior, "We've never seen him like this before."

Sergeant Connors arrived on Orchard Lane and observed an ambulance and fire truck staged. Sergeant Connors was joined by Officer Smith, Officer Murphy, and Officer Hsiao.

Sergeant Connors developed a plan to make contact with Hall. Sergeant Connors assigned details to each officer: Officer Smith was to be armed with the less-lethal bean bag shotgun, Officer Murphy was designated to use the Taser, and Officer Hsiao was going to carry a shield. Sergeant Connors armed herself with a patrol rifle. The team was waiting for Officer Keagy to arrive, as she was going to be used to build a rapport with Hall. If Hall did not listen or respond to Officer Keagy, then the less-lethal shotgun would be used. Sergeant Connors said a Taser would be used, but only if Hall was in a closer proximity.

While formulating this plan, Hall appeared at the far end of Orchard Lane, near the pedestrian access to Arlene Lane. Sergeant Connors saw Hall with a red shirt on his head. Hall advanced toward the group of officers then retreated to Arlene Lane. Sergeant Connors used her radio to ask Officer Keagy for an estimated time of arrival. Officer Keagy said she was two minutes away. Sergeant Connors felt Hall, being armed with a metal pole and acting aggressively, was an immediate danger to residents. Sergeant Connors made the decision to take the current team of officers and make contact with Hall. Sergeant Connors used the black patrol SUV (assigned to their Special Enforcement Team) to move closer to Arlene Lane.

Once the group arrived near the pedestrian access to Arlene Lane, Sergeant Connors saw Hall on Arlene Lane, approximately 100 feet from Orchard Lane. Hall was holding a large pry bar in his hand and had a red t-shirt wrapped around his head with a red bandana covering his face. Hall immediately began walking toward the group of officers. Hall stopped to take off his sandals, which he used to throw at the officers. Then, with increased speed, Hall advanced toward the officers with the metal pole in hand. Officer Smith gave commands for Hall to, "Drop it!" Officer Smith tried to keep his distance, but Hall continued to advance. Officer Smith fired two rounds from the less-lethal shotgun, but the bean bag rounds had no effect. Hall continued to run toward the officers and raised the bar over his head. Sergeant Connors said it was at that point that officers fired their pistols.

Sergeant Connors said she was approximately five feet away from Hall when he was shot and saw him fall to the ground. Sergeant Connors said she was not sure how many rounds her officers fired but stated she chose not to fire because her rifle rounds could have penetrated and struck an officer on the opposing side of Hall.

Officer Tammy Keagy

Officer Keagy was interviewed on June 2, 2019, at 11:50 pm, by Sr. Inspector Eriksen and WCPD Detective Randy Villa. Her defense attorney, Doug Foley, was also present for the interview.

The following information is a summary of the relevant portions of Officer Keagy's interview:

Officer Keagy had been with the WCPD for approximately 17 years, and was assigned as a patrol officer. She was also assigned to the Crisis Negotiation Team (CNT) and the Crimes Scene Investigation Team.

The CNT training involves trying to deescalate critical situations by actively listening to individuals who may be suffering from a crisis or involved in a crisis with the goal of coming to a peaceful resolution. She has attended a few training courses to assist her with these ancillary duties.

She was towing a vehicle on Ygnacio Valley Boulevard when she overheard the dispatch call on the radio. While listening, she realized the subject of the incident being described was Hall. The dispatcher broadcast there was a subject out of control and the caller was a family member. Officer Keagy said she was familiar with Hall and has had prior contact with him while working as a police officer. She stated Hall had a history of violence and aggression towards law enforcement and he had brandished a knife towards officers in the past. She also stated that officers had to use a bean bag shotgun to subdue Hall in the past.

Officer Keagy broadcasted to responding officers that Hall was a prior MHET client, and he may run from officers. Officer Keagy said Hall does not like police officers based on information she received from family members. She stated Hall's behavior stabilized and he was doing better as of last October. Officer Keagy said Hall's mom called her and left a message stating Hall was starting to act unusual again.

Officer Keagy called Hall's mom while responding to the call on the date of the incident. Hall's mother stated she had never seen her son act this violent in the past and she was very concerned, so they all left the house. She said Hall was probably destroying their house and she was fearful for the neighbors if Hall went outside.

Officer Keagy said when she arrived on Arlene Lane she observed the other WCPD officers and she also observed Hall in the street. The officers were trying to verbally engage Hall but he had no reaction. She did not recall what the officers were specifically saying to Hall. Hall continued to advance in the officer's direction. She observed Hall holding a black steel digging tool and he was walking in their direction. He appeared to be totally disconnected and had no reaction to anything. She observed the less than lethal bean bag hit him, and it appeared it did not faze him. She said she was trying to get into a position to utilize the Taser. However, she knew she was too far away to use her Taser and commented about the size of the digging tool Hall was carrying. She became uncomfortable because Hall kept advancing and then she heard the gun shots. She observed Hall fall and drop the black steel digging tool. Officer Keagy stated she did not know how many shots were fired. One of the officers kicked the black steel digging tool away and Hall was somewhat resisting as officers were trying to handcuff him.

Officer Keagy said there was no time for her to intervene because she was the last officer to arrive.

Officer Melissa Murphy

Officer Murphy was interviewed on June 3, 2019, at 12:29 am, by Sr. Inspector Holcombe, WCPD Detective Kim Gerstner, and Deputy District Attorney (DDA) Barry Grove. Her defense attorney, Don Nobles, was present for the interview as well.

The following information is a summary of the relevant portions of Officer Smith's interview:

At the time of the incident, Officer Murphy had been employed as a police officer with Walnut Creek Police Department for approximately 13 months. She holds two master's degrees, one of which is in Psychology. She was assigned to the patrol division.

Officer Murphy said she had never personally contacted Hall. However, prior to contacting Hall that day she did speak to other officers regarding prior WCPD contact with Hall. She was aware of the incident where Hall was armed with a knife and less than lethal force was used by the officers to subdue him. She was also aware of the departmental procedure requiring a three-officer minimum response when contacting Hall.

Officer Murphy said she was dispatched to the call after numerous reporting parties called dispatch. Officer Murphy was the first officer to arrive on the scene. She stated that prior to arriving, dispatch reminded her of the mandatory three officer response.

Officer Murphy positioned herself at Lancaster Drive and Orchard Lane. Next, Officer Hsiao arrived and then Sergeant Connors. Officer Murphy stated they waited for a sergeant to arrive because she knew they carried less than lethal options, such as the shield and the bean bag shotgun. Officer Murphy heard Officer Keagy being dispatched to the scene because she was a crisis negotiator.

Officer Murphy said a plan was formulated that included Officer Smith deploying the less than lethal option (bean bag shotgun), Officer Hsiao was to deploy the shield, and Sergeant Connors and herself were to deploy firearms. She overheard Sergeant Connors requesting an estimated time of arrival from Officer Keagy.

Officer Murphy heard Sergeant Connors say she observed Hall on Orchard Lane and he matched the description being broadcast, which included a bandana over his face, and he was carrying a black steel digging tool. She said they elected to drive down Orchard Lane because Hall was no longer inside his residence and was now outside in public.

Officer Murphy said they arrived near Orchard Lane and Arlene Lane, and that's when she saw Officer Keagy arrive. Officer Murphy said the officers began walking onto Arlene Lane and they observed Hall carrying a "Poseidon" stick. She described the stick as being rusted, with a pointed end, and was approximately two inches thick, and the length of her wingspan. Officer Murphy observed Hall near some neighbors (W-3 and his daughter) and as a result she called for Officer Hsiao to bring the shield. Officer Murphy said Hall made a "B-Line" (running towards them), while they were giving Hall commands to stop and to put it down. She said Hall kept charging and at one point Hall yelled back at them, "No!" Hall continued to "charge" and changed his grip on the tool as he ran towards them.

Officer Murphy stated she observed Officer Smith discharge the less than lethal shotgun and saw Hall just shrug it off. Hall continued to move forward.

Because the less than lethal option didn't work, she fired a round from her department issued firearm. She said she fired a second round and saw Hall was going down, so she stopped firing. Officer Murphy said she told Officer Keagy to handcuff Hall. Officer Murphy said Hall was still resisting on the ground, but they were able to handcuff him.

Sergeant Connors asked Officer Murphy if she had discharged her weapon. She replied that she had and was immediately sequestered. Officer Murphy said she used lethal force because the less than lethal option was unsuccessful and she thought Hall was going to harm her. She said she gave Hall commands and thinks she specifically told him to stop. Officer Murphy said Hall was holding the black steel digging tool waist high with both hands on the black steel digging tool approximately two feet apart. Officer Murphy believed Hall would have stabbed her, or one of the other officers, if she did not act. She said Hall was "too close for comfort" when she fired. Officer Murphy initially estimated the distance between her and Hall to be approximately sixteen feet when she fired. Officer Murphy said it was too hard to estimate the distance. She described this incident taking approximately thirty seconds from the time they noticed Hall until she fired.

Officer Murphy said she did not have any other options available to her other than lethal force. She stated she believed that if she hadn't shot Hall he would have killed her, or "stabbed her or one of the officers."

Officer Murphy said she failed to turn her body camera on, and she was not aware of this until she saw the red light on the camera when she was giving CPR to Hall. She then turned the camera on.

Officer KC Hsiao

Officer Hsiao was interviewed on June 3, 2019, at 1:00 am, by Sr. Inspector Holcombe, WCPD Detective Kim Gerstner, Deputy District Attorney (DDA) Barry Grove. Officer Hsiao's defense attorney, Don Nobles, was present as well.

The following information is a summary of the relevant portions of Officer Hsiao's interview:

Officer Hsiao has been a police officer for approximately three and a half years WCPD. Prior to Walnut Creek, he worked for the Eureka Police Department for two years

Officer Hsiao said he has never met Hall, however, he was aware of the prior incident where officers utilized less than lethal force to restrain Hall after he charged them with a knife. Officer Hsiao heard the initial broadcast from the dispatcher that described a possible gunshot may have been fired at Location #1, but a neighbor stated the sound he heard could have also been a door slamming. Officer Hsiao responded to the area and arrived approximately ten minutes after first hearing the dispatch. Upon arrival, he initially met with Officer Murphy. Sergeant Connors and Officer Smith arrived afterwards. Officer Hsiao stated he heard the dispatcher broadcast Hall was armed with a black steel digging tool.

Officer Hsiao said the plan was to wait for Officer Keagy to arrive before they contacted Hall. Sergeant Connors relayed that she had observed Hall, and a neighbor in the area called to state Hall was pounding on their door and acting erratically with a black steel digging tool. He said at this point they decided they could not wait for Officer Keagy to arrive and decided to attempt to locate Hall. He stated Officer Smith observed Hall on Arlene Lane and at that point Officers Smith and Murphy began running towards Hall down Arlene Lane. He then observed them stop running and he dropped the shield he was carrying. He then observed Hall with a black steel digging tool.

He said Hall's fists were clenched with one hand on the pole. Officer Smith gave Hall verbal commands, such as, "drop it," and then observed Hall running towards the officers. He estimated that Hall was approximately four houses away from the officers when Hall began running towards them. Officer Hsiao drew his department issued firearm as Hall continued to run towards them. He observed Hall's shoe come off, which at that point Hall was approximately one car length from Officer Smith. He then observed Officer Smith discharge his less than lethal shotgun towards Hall.

He believed Officer Smith fired two rounds and he saw the rounds strike Hall. Hall had no reaction to the bean bag round and Hall kept advancing. Officer Smith stepped to his left and Hall passed Officer Smith and was approaching Officer Murphy. He initially stated Hall was approximately half a car length away from Officer Murphy, and then corrected himself and said that Hall was approximately fifteen feet from Officer Murphy. He stated it was his belief Hall was going to strike Officer Murphy and he needed to stop the threat. Officer Hsiao said he fired two or three rounds. He estimated Hall was approximately five to eight feet away from Officer Murphy when he fired his first shot. He later clarified Hall was approximately seven yards away from him and five yards away from Officer Murphy. Officer Hsiao said as he started discharging his firearm Hall continued to run. At which point Officer Murphy was now positioned in front of Officer Hsiao. Officer Hsiao observed Hall drop the black steel digging tool and fall to the ground. Officer Hsiao said he didn't think lethal force was needed any further.

Officer Hsiao said he used lethal force because he thought Hall was going to strike Officer Murphy and seriously injure her or kill her. He said he gave Hall specific commands to "drop it" and to "stop."

After Officer Hsiao finished his interview he viewed his body camera video. He then clarified for the interviewers that he fired a total of four rounds.

Officer Matt Smith

Officer Smith was interviewed on June 3, 2019, at 1:44 am, by Sr. Inspector Holcombe, WCPD Detective Kim Gerstner, and Deputy District Attorney (DDA) Barry Grove. His attorney, Don Nobles, was present for the interview as well.

The following information is a summary of the relevant portions of Officer Smith's interview:

Officer Smith has been employed with the WCPD for three years and prior to that he worked for four years with the Pacifica Police Department. Officer Smith is currently assigned to the Special Enforcement Team (SET) and has received training on how to deploy and use the bean bag shotgun.

Officer Smith has had previous contacts with Hall, including contacting Hall during a disturbance call where Hall was throwing rocks at a sign. He stated there was nothing significant about this incident, however, during discussions about the current call for service he learned Hall had resisted officers in the past.

Officer Smith arrived on the scene and contacted Officer Murphy after hearing the dispatch call about a man with a black steel digging tool. Officer Smith said he was assigned to carry the bean bag shotgun. Officer Hsiao was assigned as the handling officer and he carried the shield, and Officer Murphy was assigned the assault rifle. He stated he was unsure of what tool Sergeant Connors was carrying. Officer Smith said they observed Hall on Orchard Lane and he overheard another dispatch broadcast indicating Hall was at a house banging on a door. Officer Smith said this elevated their urgency to contact Hall instead of waiting on Officer Keagy to arrive to ensure no lives were in danger.

Officer Smith entered his car with the assisting officers (Sergeant Connors, Officer Murphy, and Officer Hsiao) and drove down Orchard Lane to the dead end. He exited his vehicle and took point (lead the other officers) because he was carrying the less than lethal shotgun. He observed Hall on Arlene Lane carrying a black steel digging tool with something sharp on the end. Officer Smith observed a male (W-3) and a female (W-3's daughter) nearby and Hall was walking in their direction with the metal pole. Officer Smith called out to Hall to get his attention and take his attention away from W-3 and his daughter. Hall started to walk towards the officers and then he began to run.

Officer Smith loaded his bean bag shotgun and he observed Hall take off his "sandals" when he was approximately twenty yards away from him. He believed Hall removed his "sandals" to run faster. Officer Smith fired his bean bag shotgun and observed the rounds strike Hall. He stated Hall did not run at him, but rather towards Officer Murphy with the black steel digging tool in his hands. He then saw Officers Murphy and Hsiao shoot Hall. Hall fell to the ground at this point but tried to get back up. Officer Murphy then pushed Hall back to the ground.

Officer Smith did not remember how many less than lethal bean bag rounds he discharged, but he did see a round strike Hall. Officer Smith did not recall how Hall was carrying the black steel digging tool, but stated if Hall had struck an officer it could have been lethal.

Officer Smith reviewed the body camera footage with his attorney after the interview and then stated he believed he fired four rounds from his bean bag shotgun.

Interviews of Civilian Witnesses

W-3 is the only civilian witness to observe the complete interaction between Hall and the WCPD, as well as the use of deadly force.

During this incident, W-3, who resides on Arlene Lane, was home and preparing to leave with his daughter. They exited the residence and walked towards his vehicle which was parked on Arlene Lane. W-3 observed Hall carrying a black steel digging tool with both hands over his head. He described it as though Hall carried the tool in a manner of display, or like it was an exhibit. W-3 initially thought it was some sort of high school prank. He said he could also see a group of people out of the corner of his right eye enter Arlene Lane via the cul-de-sac. Hall continued down Arlene Lane until he was approximately five feet away from W-3 and his daughter. Hall continued to hold the black steel digging tool over his head. W-3 said he did not feel any fear and he was not threatened. Hall said, "Look at the stick the Lord gave me. Look at my stick." Hall did not make any other comments and he did not threaten W-3 or his daughter. At this point, W-3 stated he felt like Hall might have been on drugs or suffering from a mental illness.

W-3 and Hall both observed WCPD on foot in the 100 blk of Arlene Lane. W-3 saw Hall turn and advance towards the officers. He was initially walking at a rapid pace and he stopped briefly behind a gray Prius that was parked a few houses down the street on Arlene Lane. W-3 could clearly see the uniformed WCPD officers and heard them say, "Drop the weapon, drop it, drop the weapon." W-3 said there were four or five officers and their weapons were drawn. W-3 told his daughter, "get down." W-3 and his daughter ducked behind his vehicle which was parked in front of his residence. W-3 said he had a clear line of sight from his position to the cul-de-sac, and the foot path that leads to Orchard Lane.

W-3 said Hall continued to run towards the officers, but it appeared he was "dance, jive...skating left and right, like he's (Hall) trying to dodge them." W-3 described it like Hall was trying to prevent the police from striking him or he was trying to run around them. W-3 said he observed Hall's shoe or shoes come off and then heard two bean bag shotgun rounds being deployed. Specifically, he recalled one officer was firing an orange shotgun. W-3 stated Hall did not stop, nor did he go down and he continued "dancing to the left." The officers fired again and Hall went down. The officers were on top of Hall and almost immediately started life-saving efforts.

W-3's 15-year-old daughter, said she was leaving the residence to go to the store with her father. She observed Hall wearing a red bandana covering his head and holding a black metal digging tool with a sharp end. She heard Hall say, "Oh, God gave me this stick." She observed police officers approaching and W-3 told her to get behind the vehicle. The vehicle blocked her view, but she did hear yelling and gunshots.

W-3's son was inside their home and in his room taking a nap. He heard yelling outside and decided to look out of his window. He saw Hall holding a black metal digging tool. He also observed police officers present on the street, including one officer with an orange gun. He noticed his father and sister hiding behind the vehicle and realized this was real. He began to exit his residence and he observed the final gunshot being fired by a police officer and Hall dropping to the ground.

Autopsy

Hall was pronounced dead on June 2, 2019, at 5:29 p.m., by Dr. Rafael Diaz at John Muir Medical Center, Walnut Creek, CA.

Dr. Ikechi Ogan (Forensic Pathologist) performed an autopsy on June 3, 2019, at the CCC Sheriff's Coroner's Office. In summary, the autopsy findings are as follows:

There are two patterns of injury consisting of non-lethal (bean bag) and lethal (gunshot wounds). There is no evidence of close-range firing on the skin around any of the entrance gunshot wounds. Three different sets of projectiles were recovered. The gunshot wounds are numbered without regard to sequence of occurrence. Numbering of the gunshot wounds is purely for descriptive purposes.

- There were multiple penetrating and perforating gunshot wounds to the torso and extremities. Dr. Ogan was not able to determine the sequencing of the gunshot wounds or which officer's firearm was responsible for a specific gunshot wound.
 - Gunshot Wound #1 – Entrance gunshot wound to the left mid-chest is located 19" below the top of the head and 1" to the left of the anterior midline. The direction of injury was from front to back, right to left, and downward. A projectile was recovered and given to the attending criminalists.
 - Gunshot Wound #2 – Entrance gunshot wound to the right lower chest is located 22" below the top of the head and 3" to the right of the anterior midline. The direction of the injury is front to back, right to left, and downward when body is viewed in the usual position. A projectile was recovered and given to the attending criminalists.
 - Gunshot Wound #3 – Entrance gunshot wound to the right hip is located 30" below the top of the head and 6" to the right of the posterior midline. The direction of the injury is back to front, right to left, and downward when body is viewed in the usual position. The recovered bullet was given to the attending criminalists.
 - Gunshot Wound #4 – Entrance gunshot wound to the left lower back is located 26" below the top of the head and 5" to the left of the posterior midline.

The direction of the injury is back to front and left to right when body is viewed in the usual position. There was no projectile recovered from this wound pathway.

- Non-lethal injuries all appear consistent with the use of the less lethal bean bag shotgun.
 - There is a 2" x 1" reddish-brown contusion on the front of the right shoulder. There is an underlying bruise extending in the deltoid muscles, but no fractured bones are noted.
 - There is a 2" x 1" contusion on the right flank in the anterior axillary line. Underneath this is a contusion but there is no underlying rib fracture.
 - There is a 2" contusion on the medial aspect of the right forearm. Injury is also limited to soft tissue damage only.
- Toxicology – The blood toxicology was positive for the presence of tetrahydrocannabinol (THC), the active component of marijuana. Other than these findings, examination of the specimen(s) submitted did not reveal any positive findings of toxicology significance.

CAUSE OF DEATH: Multiple (four) gunshot wounds.

FINDINGS

- On June 2, 2019, Hall's grandmother (W-1) and mother (W-2), fearing for their safety as well as that of their neighbors, called WCPD regarding Hall's behavior. Hall forced W-1 to change her clothes, had broken the glass patio door in their home with a long black digging pry tool, and had behaved in a threatening manner towards his grandmother and mother. They were so concerned for their safety that they left their home until the situation with Hall could be resolved.
- On June 2, 2019, between 4:40 pm and 5:05 pm, WCPD Dispatch Center received three separate calls for service from residents in the area of Location #1 regarding Hall and his behavior. One caller heard loud noises along with yelling and screaming coming from Location #1. A second resident called to report that Hall was banging on their door. A third resident called to say that Hall was following their vehicle as it drove down Arlene Lane.
- Hall had previously been diagnosed with a schizoaffective disorder-bipolar type. According to Hall's medical records, his disorder manifested itself in, "paranoia, disorganization, and threats to community members."
- Hall had four relevant prior contacts with WCPD for similar behavior. In an August 2018 incident, W-2 called and requested assistance from WCPD because Hall had stated he wanted to go swimming and he was going to kill someone. Hall was armed with a pocketknife during this incident. WCPD officers located Hall near Orchard Lane and Sandra Court. They ordered Hall to lay on the ground, but he refused to comply with their orders. The officers deployed the less-lethal bean bag shotgun, firing several rounds at Hall. He fell to the ground after being struck by the bean bag rounds and was

taken into custody without further incident. The officers determined Hall was a danger to himself and others and took him into custody for a mental health evaluation pursuant to Welfare and Institutions Code Section 5150. Due to the public/officer safety concerns associated with Hall's behavior, WCPD placed a requirement for a minimum three-officer response to calls for service involving Hall¹⁵.

- On the date in question, prior to contacting Hall, Sergeant Connors conducted an in-field briefing with Officers Smith, Murphy, and Hsiao to develop a plan of action. During the briefing, she assigned the officers roles and issued them tools commensurate with their assigned role: Officer Smith (less lethal/bean bag shotgun), Officer Murphy (less lethal/Taser/arrest), Officer Hsiao (shield/arrest), Sergeant Connors (lethal/patrol rifle), and Officer Keagy (not present for briefing) was assigned the role of negotiating with Hall. During the briefing, Sergeant Connors directed the officers as follows: "I'm not gonna give this guy a lot of chances...because he's got a weapon, he's going to the neighbor's homes, he's lost his mind. Just letting you know, the line in the sand for me is very close to him, so any forward motion, any aggressive movement, we're going to start here...drop it, we're going to let her try to talk, if he advances after the talking...I want you to give commands like, drop it, drop it, drop it whatever...and then Taser, if that's appropriate otherwise we'll just, just watch your backdrop." During the briefing it was also determined that Hall was going to be taken into custody pursuant to Welfare and Institutions Code Section 5150.
- The officers evaluated the situation and appropriately determined there was probable cause to take Hall into custody for a mental health evaluation because he represented a danger to others and potentially himself.
- The officers located Hall on the south end of Arlene Court talking to a neighbor and his daughter. Fearing for the safety of the neighbors¹⁶, Officer Smith (armed with bean bag shotgun) and Officer Murphy (drawn handgun) self-deployed¹⁷ and began walking down the center of the court towards Hall calling his name and directing him to, "Come here." Ofc. Smith was in the center of the roadway and Ofc. Murphy was to the right and rear of him.
- Hall responded to their commands by running northbound on Arlene Court in the general direction of the officers. As he ran towards the officers, he did so in a zigzag like pattern from one side of the street to the other, while still carrying the long black digging pry tool. According to the available video evidence, Hall appeared to be carrying the pry tool at waist level.
- As Hall closed the distance with the officers, Officer Murphy and Officer Hsiao repeatedly yelled for him to stop. Hall stumbled in the street, then committed to a path along the west curblin of the roadway. Officer Smith took several steps to the rear and approximately five side steps toward Hall. Simultaneously, Officer Murphy side stepped left, right, and to the rear in the path of Hall's flight.

¹⁵ A typical call for service of this nature would only require a response of one or two officers. A three-officer response indicates there was a heightened level of concern.

¹⁶ The neighbor was interviewed and stated he could see there was something unusual about Hall, but didn't feel like his life was in danger.

¹⁷ The officers deployed themselves into the situation without the other members of the team. Sergeant Connors instructed them to wait for the shield, but they continued onto Arlene Court without their team or the shield (defensive/protective equipment).

Hall closed to within 25-30 feet of the officers and Officer Smith fired three rounds from the bean bag shotgun at Hall striking him at least one time. Hall continued undeterred; as the bean bag rounds did not stop his forward motion. When he got within 22-25 feet of Officer Murphy she fired one round at him. Simultaneously, Officer Smith fired three additional bean bag rounds at Hall. Officer Hsiao stepped up in between Officers Smith and Murphy and fired four rounds from his handgun. Officer Murphy then fired one additional round from her handgun at Hall.

- From the time Officer Smith yelled for Hall, until the time the last lethal round was fired by Officer Murphy took approximately 17 seconds.
- Having been mortally wounded, Hall fell headlong to the ground in his direction of movement, dropping the long black digging pry tool as he did so.
- The officers rendered medical aid to Hall until emergency medical staff arrived on-scene.

APPLICABLE LEGAL STANDARDS

The sole question to be decided by the CCCDAO is whether Officers Murphy or Hsiao violated any criminal laws. Whether an officer is criminally liable depends on the facts of the case and whether those facts constitute a crime under the applicable laws.

The California District Attorneys Association Uniform Crime Charging Standards Manual directs that criminal charges shall not be brought unless the prosecutor, based upon a complete investigation and thorough consideration of all the pertinent information readily available to him or her, believes there is evidence that proves beyond a reasonable doubt, that the accused is guilty of the crime to be charged. Additionally, the charging standards direct that there must be legally sufficient admissible evidence to prove each element of the crime. The admissible evidence must be of such convincing force that it would warrant conviction of the crime charged by a reasonable and objective fact finder after the fact finder has heard all the evidence and after considering the most plausible, reasonable, and foreseeable defenses that could be raised under the evidence.

The applicable California Penal Code Sections are as follows:

Section 187: Murder is the unlawful killing of a human being or fetus with malice aforethought.

Section 188: Such malice may be express or implied. It is express when there is manifested a deliberate intention unlawfully to take away the life of a human being. It is implied when the killing resulted from an intentional act, the natural consequences of the act are dangerous to human life, and the act was deliberately done with knowledge of the danger to and with conscious disregard for human life.

Section 192: Manslaughter is the unlawful killing of a human being without malice.

Section 196: Homicide is justifiable when committed by public officers and those acting by their command in their aid and assistance, either –

1. In obedience to any judgement of a competent Court; or
2. When necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty; or
3. When necessarily committed when retaking felons who have been rescued or have escaped, or when necessarily committed in arresting persons charged with a felony, and who are fleeing from justice or resisting arrest.

Section 197: Homicide is also justifiable when committed by any person in any of the following cases:

1. When resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person; or,
2. When committed in defense of habitation, property, person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony, or against one who manifestly intends or endeavors, in a violent, riotous or tumultuous manner, to enter the habitation of another for the purpose of offering violence to any person therein; or,
3. When committed in the lawful defense of such person, or of a wife or husband, parent, child, master, mistress, or servant of such person, when there is reasonable ground to apprehend a design to commit a felony or to do some great bodily injury, and imminent danger of such design being accomplished; but such person, or the person in whose behalf the defense was made, if he was the assailant or engaged in mutual combat, must really and in good faith have endeavored to decline any further struggle before the homicide was committed; or
4. When necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed, or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace.

Section 199: The homicide appearing to be justifiable or excusable, the person indicted must, upon his trial, be fully acquitted and discharged.

Any killing of a human being at the hands of another is a homicide. A homicide may be criminal or justifiable depending upon the circumstances. It is justifiable if done while resisting a violent felony or in self-defense or in defense of another if it reasonably appears to the person claiming the right of self-defense or the defense of another that he or she actually and reasonably believed that he or she or another was in imminent danger of great bodily injury or death. (See *People v. Williams* (1977) 75 Cal. App. 3rd 731.) In protecting oneself or another, a person may use all force which he or she believes reasonably necessary, and which would appear to a reasonable person, in similar circumstances, to be necessary to prevent the injury, which appears imminent. (See California Criminal Jury Instruction [CALCRIM] 505.) In order to justify killing another person in self-defense or in the defense of another, actual danger of death or great bodily injury is not necessary. (CALCRIM 505.)

Pursuant to CALCRIM 505:

A homicide is justifiable and not unlawful when committed by a person who:

1. Reasonably believed he or she or someone else was in imminent danger of being killed or suffering great bodily injury,
2. Reasonably believed that the immediate use of deadly force was necessary to defend against that danger; and
3. Used no more force than was reasonably necessary to defend against that danger.

Pursuant to CALCRIM 507:

A homicide by a peace officer is justifiable and not unlawful when:

1. The killing was committed while overcoming actual resistance to some legal process or while performing any other legal duty
2. The killing was necessary to accomplish one of those legal purposes; and
3. The officer had probable cause to believe that someone posed a threat of death or serious bodily harm, either to the officer or to others.

Probable cause exists to believe that someone poses a threat of death or serious bodily harm when facts known to the person would persuade someone of reasonable caution that the other person is going to cause death or serious bodily harm to another. (CALCRIM 507.)

The People have the burden of proving beyond a reasonable doubt that the killing was not justified. (CALCRIM 505 and 507.) It is not a criminal defendant's burden to prove that force was necessary or reasonable. The People must prove beyond a reasonable doubt that the officer did not have an actual or reasonable belief in the need for self-defense or the defense of others. Absent direct evidence that an officer did not actually or reasonably believe in the need for force, circumstantial evidence must be used. If two reasonable conclusions can be drawn from circumstantial evidence, however, and one of those reasonable conclusions points to innocence, jurors are instructed that they must accept the one that points to innocence. (CALCRIM 224.)

The United States Supreme Court has held that a police officer's use of force should be analyzed under the reasonableness standard of the Fourth Amendment to the United States Constitution. The Supreme Court stated, "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight . . . the calculus of reasonableness must embody allowance for the fact that police are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." *Graham v. Conner* (1989) 490 US 386, 396-397.

If the killing was not justifiable as outlined above, or excusable as in an accidental killing, only then would it be criminal. Moreover, if an act is committed by reason of a mistake of fact which disproves any criminal intent, it is not a crime. Therefore, a person is not guilty of a crime if he or she commits an act under an actual belief in the existence of certain facts and circumstances which, if true, would make the act lawful. (See CALCRIM 3406.)

In the present case, the forensic pathologist determined the cause of death for Hall was multiple gunshot wounds.

There is no conclusive way to determine the order in which each gunshot wound occurred, or which officer is responsible for each individual gunshot wound.

To establish criminal liability, the evidence must show beyond a reasonable doubt that Officer's Murphy and Hsiao killed Hall and that they did not reasonably believe that they or another person was in imminent danger of great bodily injury or death.

LEGAL ANALYSIS & CONCLUSION

The CCCDAO conducted a thorough and independent investigation and review of the facts and circumstances that lead to the death of Hall.

The evidence shows that Officers Murphy and Hsiao acted in what each of them actually and reasonably believed to be self-defense and defense of others. The examined evidence does not support the contention that the shooting of Hall was criminal.

On June 2, 2019, at approximately 4:40 pm, the WCPD Dispatch began receiving 911 calls regarding a domestic incident at W-1's home in Walnut Creek, CA. The first call came from W-1, who stated her grandson was "threatening her" and had entered her bedroom demanding she put on a red shirt. She told the dispatcher she complied with his order and further stated her grandson was having a mental health breakdown. In the background of the call, Hall can be heard saying, "red in this fucking house," "take that shit off," "I don't fucking like that shit. Take it off," "No, get the fuck out." These comments were made during an interaction between Hall and W-1 wherein Hall is demanding that she change her clothes. At one point during the interaction, Hall says, "Yo, I said not to call the motherfucking police, (unintelligible comments)...too."

A second 911 caller, a neighbor, stated he lived behind W-1's residence and could hear a lot of yelling and screaming coming from W-1's residence. He also referenced an individual living at W-1's residence who was known to have psychiatric issues. He stated he heard what could have been a gunshot, but later stated it could have been a door slamming. He further stated he saw the individual running around with a red bandana on his forehead, his face covered with another bandana, and a can of Budweiser in his hand as well.

A third dispatch call was received at approximately 4:47 pm from W-2, Hall's mother, requesting the police assistance at their residence.

“He’s being violent. He broke our sliding glass window and he’s threatening us. He has like this long pole...a metal pole...and he’s threatening us...but we left the house we’re not here anymore...and he has mental health issues.” She further informed dispatch she called about Hall the day before and that he was going to be “aggressive to the police.” She further stated, “He needs to be apprehended...he cannot be in our house...he has to go.” She relayed to dispatch that Hall was not on any medication at that time, but that he needed to be and was “totally flipping out.”

A fourth reporting party from Orchard Court called 911 to report that Hall had just gone back to his house and stated, “my neighbor’s son is unstable. He’s schizophrenic, I think, and I know that he just rushed them off their property.” She stated she texted Hall’s family asking them if she should be concerned and she felt uncomfortable doing that, but that Hall had just pounded on her door and yelled something at her husband. She relayed, “I don’t know what he yelled at my husband, but we’re in our house...a little nervous right now.”

A fifth reporting party called in identifying Hall wearing all black with a red bandana at the end of the cul-de-sac on Arlene Lane following their vehicle down the street.

The following information was relayed over the radio by dispatch to the officers who responded to the call.

- A call came in with a female yelling and a male yelling. It sounded like a 415 (disturbing the peace). The call was from Hall’s grandmother stating that her grandson was having a mental breakdown.
- WCPD had been out to the residence in July 2018. “The mother was the reporting party, reporting her 22-year-old son had a knife.”
- Another reporting party called in stating they can hear the 415, and possibly heard a gunshot coming from Sandra Court.
- Another reporting party called in stating it didn’t quite sound like a gunshot, but it might have been a door slamming.
- Dispatch relayed over the radio that they identified the grandson as Miles Hall with a date of birth of 2/15/96 and that Hall can be very combative with law enforcement. Dispatch stated there is a three-officer minimum when responding to Hall, that he has brandished a knife in the past, and that he has some real mental health issues. He was telling his grandmother not to call the police and she was insisting she was not on the phone with the police.
- Dispatch confirmed there was a previous 5150 evaluation of Hall
- AMR was dispatched to the scene to assist
- Dispatch advised another caller stated Hall broke the sliding glass door in his home and he had a metal pole in his hands. It was further advised over the radio that the mother and grandmother left the home and it sounded like Hall was the only one left in the residence.
- Dispatch advised another caller on Sandra Court stated Hall was outside of their residence pounding on the front door and that Hall subsequently left.

Officer Smith had personal previous contacts with Hall, including an incident where the police were called because Hall was throwing rocks at a sign. He stated during his interview that he learned from dispatch, prior to contacting Hall on the day in question, that Hall had resisted officers in the past and that he was currently armed with a black steel digging tool.

At approximately 5:07 pm, Officer Smith parked his patrol vehicle at the end of Orchard Lane and Officers Murphy, Hsiao, and Sergeant Conners all exited the police vehicle. Officer Smith observed Hall on Arlene Lane with the black steel digging tool in his hand walking towards W-3 and his daughter.

Officer Smith said as they observed Hall on Orchard Lane, he overheard another dispatch broadcast indicating Hall had been at a house banging on a door. Officer Smith said this elevated the urgency to contact Hall instead of waiting on Officer Keagy to ensure that no lives were in danger.

The BWC footage depicted the following:

- 17:08:08 – Officer Smith yelled out “Miles come here!”
- 17:08:14 – Officer Smith yelled “Miles!” and then tells Officer Murphy to take cover
- 17:08:18 – Officers can be heard yelling for Hall to stop and Hall is observed running in their direction
- 17:08:21 – Officer Smith fired a round from the bean bag shotgun at Hall
- 17:08:22 – Officer Smith fired a second round from the bean bag shotgun at Hall
- 17:08:23 – Officer Smith fired a third round from the bean bag shotgun at Hall. Officer Murphy fires one round from her department issued handgun.
- 17:08:24 – Officer Smith fired the fourth, fifth, and sixth rounds from his bean bag shotgun and Officer Hsiao fires four rounds from his department issued handgun
- 17:08:25 – Officer Murphy fired one round from her department issued firearm at Hall.
- 17:08:25 – Hall starts to fall forward, dropping the black steel digging tool, and lands on his right side

Officer Smith led the officers down Arlene Lane because he was assigned the less than lethal shotgun. The officers had probable cause to take Hall into custody at this point pursuant to Welfare and Institution Code 5150. Hall had also made threats toward W-1 and had vandalized the sliding glass door in his home. Attempting contact Hall and take him into custody using less than lethal force was reasonable.

Officer Smith stated during his interview he yelled , “Miles come here! Miles!” to get his attention and to divert his it away from W-3 and his daughter. Hall responded by walking toward the officers and subsequently began to run in their general direction.

As Officer Smith loaded his bean bag shotgun he observed Hall take off his “sandals” when he was approximately twenty yards away. It was Officer Smith’s belief that Hall removed his “sandals” to run faster.

Officer Smith directed Officer Murphy to take cover and then fired his bean bag shotgun at Hall in an effort to stop him. He saw the rounds hit Hall, but they had no impact. Officer Smith stated he believed Hall was running toward Officer Murphy with the black steel digging tool in his hands. Officer Smith believed that if Hall had struck an officer it could have been lethal.

Officer Melissa Murphy

Fearing for her safety, Officer Murphy fired two rounds at Hall. Given the uncontroverted evidence in the case it cannot be proven beyond a reasonable doubt that Officer Murphy's belief that she was in imminent danger of suffering great bodily injury or death was unreasonable.

Although Officer Murphy had never personally contacted Hall in the past, prior to contacting him on June 2, 2019, she spoke to the other responding officers about prior police contacts with Hall. She was aware of the incident where Hall was armed with a knife and less than lethal force was used by officers to subdue him. She was also aware of the departmental procedure requiring a three-officer minimum response when contacting Hall.

Officer Murphy described the metal tool Hall possessed as being rusted, having a pointed end, being approximately two inches thick, and stretching the length of her wingspan. She relayed during her statement that Hall held the tool at waist level and that he made a "B-Line" (running towards them) as they gave Hall commands to stop running and to put the tool down. Despite the commands, she observed Hall continue to run towards them and at one point heard Hall yell, "No!," in response to the commands.

Officer Murphy observed Officer Smith discharge the less than lethal shotgun and saw Hall shrug off the round that struck him in the shoulder. She saw Hall continue to advance, and as a result, she fired two rounds at Hall since the less than lethal option did not stop him. She stopped firing once she saw Hall go down.

Officer Murphy stated she used lethal force because the less than lethal option was unsuccessful and she thought if she did not fire her handgun at Hall he would have killed her. She also recalled giving Hall commands before she fired, which he did not respond to. Officer Murphy believed Hall would have stabbed her, or one of the other officers, if she did not act. She described this incident taking approximately thirty seconds from the time they noticed Hall until she fired.

In light of the evidence, including Officer Murphy's statement, to say that it would be unreasonable for Officer Murphy to believe that Hall would have caused her, or one of the other officers, to suffer imminent great bodily injury or death, is untenable given these facts and the totality of the circumstances.

Officer Murphy actually and reasonably believed that she or another officer was in imminent danger of great bodily injury or death. Lawfully, Officer Murphy could use all the force she believed was reasonably necessary to prevent any imminent harm as long as a reasonable

person, in a similar circumstance, would have believed the same. In light of the totality of the circumstances here, with Hall running in the officer's direction with a 4'11" metal digging tool, him not responding to the officer's commands to stop and drop the pole, him not stopping or responding to the less than lethal force used by Officer Smith, and after having already broken a sliding glass door in his home, exhibiting threatening behavior toward his family, and his previous aggressive contacts with law enforcement, a reasonable person, under the same circumstances, would have believed lethal force was necessary to prevent imminent injury. The law does not require there be actual danger or great bodily injury in order to justify killing another person in self-defense or in the defense of others.

Officer KC Hsiao

Fearing for the safety of Officer Murphy, Officer Hsiao fired four rounds at Hall. Given the uncontroverted evidence in the case it cannot be proven beyond a reasonable doubt that Officer Hsiao's belief that Officer Murphy was in imminent danger of suffering great bodily injury or death was unreasonable.

Officer Hsiao did not have any prior contact with Hall. However, prior to encountering Hall on the day in question, he was aware of the prior incident where officers utilized less than lethal force to restrain Hall after he charged them with a knife.

Officer Hsiao heard the initial broadcast from the dispatcher that described a possible gun shot that may have been fired or a possible door slamming at Hall's residence on Sandra Court. Officer Hsiao responded to the area and arrived approximately ten minutes after first hearing the dispatch. Upon arrival, he met with Officer Murphy. Sergeant Connors and Officer Smith arrived soon thereafter. Officer Hsiao also heard the dispatcher broadcast Hall was armed with a black steel digging tool.

Sergeant Connors relayed to all the officers at the scene that she had observed Hall, and that a neighbor in the area reported Hall was pounding on their door and acting erratically with a black steel digging tool. Officer Hsiao stated at this point they decided they could not wait for Officer Keagy to arrive and attempted to locate Hall. He stated Officer Smith observed Hall on Arlene Lane and at that point Officers Smith and Murphy began running towards Hall down Arlene Lane. He then observed them stop running and he dropped the shield he was carrying and ran behind them. Officer Hsiao then observed Hall with a black steel digging tool and saw Hall's fists clenched, one of which was carrying the pole. He observed Officer Smith give Hall verbal commands, such as, "drop it," and then saw Hall running towards the officers. He estimated that Hall was approximately four houses away when he began running towards them. Officer Hsiao drew his department issued firearm as Hall continued to run towards him and the other officers.

He observed Hall's shoe come off, which at that point Hall was approximately one car length from Officer Smith. He then observed Officer Smith discharge his less than lethal shotgun towards Hall.

He believed Officer Smith fired two rounds and he saw the rounds strike Hall. Hall had no reaction to the bean bag round and kept advancing. Officer Smith stepped to his left and Hall passed Officer Smith and was approaching Officer Murphy. It was Officer Hsiao's belief that Hall was going to strike Officer Murphy with the poll. Officer Hsiao said he fired two or three rounds. He estimated Hall was approximately seven yards away from him and five yards away from Officer Murphy, who was standing in front of him, when he fired in her defense. Officer Hsiao said as he started discharging his firearm Hall continued to run.

Officer Hsiao said he used lethal force because he thought Hall was going to strike Officer Murphy and seriously injure her or kill her. Officer Hsiao had also given Hall specific commands to "drop it" (referring to the pole) and to "stop" advancing. Neither of which Hall responded to.

In light of all of the evidence, including Officer Hsiao's statement, to say that it would be unreasonable for Officer Hsiao to believe that Hall would have caused imminent great bodily injury or death to Officer Murphy, is untenable given these facts and the totality of the circumstances. Officer Hsiao actually and reasonably believed that Officer Murphy was in imminent danger of great bodily injury or death. Lawfully, Officer Hsiao could use all the force he believed was reasonably necessary to prevent any imminent harm as long as a reasonable person, in a similar circumstance, would have believed the same. In light of the totality of the circumstances here, with Hall running in the officer's direction with a 4'11" metal digging tool, Hall not responding to the officer's commands to stop and drop the poll, Hall not stopping or responding to the less than lethal force used by Officer Smith, and after having already broken a sliding glass door in his home, exhibiting threatening behavior toward his family, and his previous aggressive contacts with law enforcement, a reasonable person, under the same circumstances, would have believed lethal force was necessary to prevent imminent injury. The law does not require there be actual danger or great bodily injury in order to justify killing another person in self-defense or in the defense of others.

Additional Legal Analysis

The analysis of this investigation includes consideration of whether it was reasonable for each officer to act when they did, rather than waiting to see if Hall would actually strike or stab any of the officers with the metal pole.

It is important to note, that since 2015, WCPD has responded to four previous calls involving Hall which have included mental health evaluations, and two incidents where Hall threatened to kill family members or neighbors. In both of the latter incidents Hall was armed with a knife.

The events that transpired from the moment Miles was first seen on Orchard Lane, until the moment before Officer Murphy fired her first lethal round took place in a very narrow window of time. The United States Supreme Court has held that a police officer's use of force should be analyzed under the reasonableness standard of the Fourth Amendment to the United States Constitution. The Supreme Court stated, "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight . . . the calculus of reasonableness must embody allowance for the fact that police are often forced to make split-second judgments – in circumstances that are tense,

uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.” *Graham v. Conner* (1989) 490 US 386, 396-397.

Each officer knew that Hall had exhibited threatening behavior towards his grandmother, had broken the sliding glass door in his home, that he was armed with a metal digging tool, that he was suffering from a mental health disorder, that he was not on medication at the time, and that his mother informed dispatch that she and his grandmother had to leave the house in response to Hall’s behavior. Additionally, his mother relayed to dispatch Hall would be aggressive towards the police. Furthermore, the officers were aware of previous contacts with Hall where he exhibited a knife and less than lethal force had to be used to take him into custody.

Lastly, the officers were aware that approximately six 911 calls about Hall were received on June 2, 2019. They were also aware that Hall was no longer inside his home and had attempted to make contact with one neighbor by banging on their door and made contact with W-3 and his daughter who were standing outside of their home.

Hall’s tone and tenor can clearly be heard on the 911 call made by his grandmother. He sounded extremely agitated, yelled, and cursed at her. He also threatened her that she had better not have called the police on him. Hall’s mother was clear when she called 911, that Hall was “totally flipping out.” She also indicated on June 2, 2019, that she had called the police the previous day about Hall. The high probability that Hall could have caused harm to any individual he came in contact with, or to himself, was a reasonable assessment of the situation. Hall had demonstrated on June 2, 2019, and on previous occasions he had a history of violence and a history of aggression towards the police. So much so, that a three-officer minimum procedure was mandated by WCPD when contacting Hall.

It was not unreasonable for Officer Murphy or Hsiao to believe that Hall was an imminent deadly threat to Officer Murphy or the other officers. Each officer made a rapid decision to shoot when faced with imminent danger. The law requires that the reasonableness of the officer’s actions be assessed with the understanding that “police are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving.” (*Graham v. Conner*) This was such a circumstance. Moreover, had any of the officers waited to take action, which they are not required to, the consequences of such inaction could have resulted in great bodily harm or death. Given the totality of the circumstances, the officer’s belief that their safety and the safety of their fellow officers was in imminent danger of great bodily injury or death was reasonable.

Accordingly, in applying the applicable law and the California District Attorneys Association Uniform Crime Charging Standards to the present case, there is insufficient evidence to support a criminal prosecution against Officer Murphy or Officer Hsiao. As such, no further action will be taken in this case.